

Stuber, Robyn

From: McNaughton, Eugenia
Sent: Wednesday, March 12, 2014 4:39 PM
To: Smith, DavidW; Denton, Debra; Stuber, Robyn
Subject: this is the letter I've composed in response to the State Board's request.
Attachments: StBdTST3122014.doc

Please review and provide any comments so I can get it out this week. Thanks much.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

March 12, 2014

Renee Spears
Quality Assurance Officer
State Water Resources Control Board
Sacramento CA

Dear Ms. Spears:

This letter address the State Water Resources Control Board (State Water Board) request of February 12, 2014 to use the two –concentration test design to evaluate toxicity tests using the Test of Significant Toxicity (TST) hypothesis to comply with the Code of Federal Regulations, title 40, section 136.3 and 136.5. The EPA Region 9 Quality Assurance Office (QAO) has reviewed your request, justification and supporting documentation.

I am pleased to inform you that we have determined that the State Water Board's proposed use of the two-concentration toxicity test evaluated using the Test of Significant Toxicity is an acceptable equivalent under the ATP process to the five-concentration test evaluated using NOEC-LOEC hypothesis testing recommended in 40 CFR Part 136.5. While the results of the Test of Significant Toxicity should generally be similar to those of the NOEC-LOEC test, it correctly identifies toxic and non-toxic samples more often than the latter. In summary, we agree that it is a more accurate, as well as economical, test.

Please note that approval is in this case state-wide, that is, it applies to all dischargers holding NPDES permits issued by the State Water Board.

Please contact me (415-972-3411) if you have further questions.

Sincerely,

Eugenia McNaughton, Ph.D.
Manager, Quality Assurance Office